IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7389 OF 2005

Shri Kiran Shivaji Parmale : Petitioner

V/s.

Shri Mughlaya N. Kallal & Ors. : Respondents

...

Mr.Milind G. Heblikar for the petitioner.

Ms V.B.Thadani for the respondent nos.1 to 3.

Mr.P.P.Kakade, Asstt. Govt. Pleader for the respondent nos.4 to 6 & 8.

Mr.D.B.Sawant for the intervenor.

...

CORAM : S.A. BOBDE, J.

October 25, 2005.

P.C.

1. Rule, returnable forthwith.

The learned counsel for the respective respondents waive service of rule.

Heard by consent.

2. The petitioner is the holder of a licence no.43/2005-06 dated 20.10.2005 for retail sale of toddy. This licence was given to him after following the

procedure of auction.

3. However, the respondent-State has, in exercise of its powers under section 138 of the Bombay Prohibition Act, 1949, cancelled a large number of licences. The learned Minister has directed issue of fresh auction.

4. The learned counsel for the petitioner submits that the licence issued to the petitioner has been cancelled without affording him an opportunity of being heard. This position is not disputed by Mr.Kakade, the learned Asstt. Govt. Pleader for the respondent nos.4 to 8 nor is this position disputed by Ms Thadani, the learned counsel for the respondent nos.1 to 3. In view of the admitted position that no opportunity was given to the petitioner to represent his case, the order is not sustainable.

5. The impugned order is, therefore, set aside. The State Government may consider passing such orders as may be advised, after issuing notice to all those who are likely to be adversely affected by its order. The revisional authority is requested to dispose of the matter, as expeditiously as possible and, in any case, not later than eight weeks from the date the petitioner appears before the authority. The petitioner is directed to appear before the revisional authority of the State

Government on 14.11.2005.

6. The rule is made absolute in the above terms.

Sd/-

S.A. BOBDE, J.